UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/694,297	10/24/2000	James M. Zombek	003636.0092	1662

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EXAMINER
BATES, KEVIN T

ART UNIT	PAPER NUMBER
2155	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

Office Action Summary	Application No. 09/694,297	Applicant(s) ZOMBEK ET AL.
	Examiner Kevin Bates	Art Unit 2155

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>23 April 2007</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-23</u> is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-23</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All   b)☐ Some * c)☐ None of:

　　　　1.☐ Certified copies of the priority documents have been received.

　　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

Response to Amendment

This Office Action is in response to a communication made on April 23,

2007.

Claims 24-39 have been withdrawn as non-elected claims.

Claims 1 and 13have been amended.

Claims 1-23 are pending in the application.

Specification

The specification is objected to as failing to provide proper antecedent

basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP

§ 608.01(o). Correction of the following is required: The supporting section of the

specification for the new limitations (Page 31, lines 8 – 12) does not anticipate

the claim idea that the client application is unaware of the underlying

fundamental network protocol.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-23 are rejected under 35 U.S.C. 112, first paragraph, as failing to

comply with the written description requirement. The claim(s) contains subject

matter which was not described in the specification in such a way as to

reasonably convey to one skilled in the relevant art that the inventor(s), at the

time the application was filed, had possession of the claimed invention. The

client language has been amended to include the idea that the client application

is unaware of the fundamental network protocol. The specification does not

support this claim language, the specification only indicates on Page 31, lines 8 –

12 that the wireless network access protocol is transparent to the message router

and the back-end server, and mentions nothing regarding the client application

being aware of any fundamental network protocol.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

Claims 1-23 are rejected under 35 U.S.C. 112, second paragraph, as

being indefinite for failing to particularly point out and distinctly claim the subject

matter which applicant regards as the invention.

First, it is unclear what is meant by the client application being unaware of

the fundamental network protocol since there is no support in the specification for

this claim limitation.

Second, the claim has been amended to include the limitation of <u>said</u>

<u>selected wireless network protocol being different from</u> said selected wireless

network protocol. This claim limitation is backwards and there is no indication on

how the wireless network protocol can be different from itself.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-2, 6-7, 11-14, 18-19, and 22-23 are rejected under 35

U.S.C. 102(e) as being anticipated by Ramasubramani (6507589).

Regarding claims 1 and 13, Ramasubramani discloses a messaging

system, comprising:

a client device having stored therein a client application adapted to be

executed by said client device (Column 5, lines 60 – 64);

a server having stored therein a server application adapted to be executed

by said server (Column 6, lines 27 – 34);

a plurality of wireless networks adapted to communicate messages

between said client device and said server and to support one or more wireless

network protocols (Column 5, line 64 – Column 6, line 5);

a protocol gateway encapsulating a fundamental network protocol

underlying each of said one or more wireless network protocols (Column 5, lines

42 – 48; Column 15, lines 1 – 12); and

a communicator for communicating a message between said client

application and said server application over a selected <u>one of said one or more</u>

wireless network protocols through said protocol gateway <u>said selected wireless</u>

<u>network protocol being different from</u> said selected wireless network protocol

(Column 12, lines 37 – 45).

.<u>wherein said protocol gateway encapsulates said fundamental network</u>

<u>protocol such that an encapsulation protocol is transparent to said client</u>

<u>application and to said server application (Column 15, lines 1-12 and 25-34;</u>

<u>where the information is in the PDU format until it is received at the airwave</u>

<u>network carrier, which is then translated into the wireless protocol).</u>

Regarding claims 2 and 14, Ramasubramani discloses the messaging

system according to claims 1, 13, and 24, further comprising at least one

message router for routing said message between said protocol gateway and

said server (Column 23, line 64 – Column 24, line 3).

Regarding claims 6 and 18, Ramasubramani discloses the messaging

system according to claims 1, 13, and 24, further comprising an HTTP proxy

server adapted to receive a plurality of HTTP requests from said client device,

send each said request over an Internet to said server, and transmit a response

corresponding thereto from said server to said client device (Column 5, lines 44 –

47; Column 12, lines 37 – 45).

Regarding claims 7 and 19, Ramasubramani the messaging system

according to claims 6 and'18, wherein: the HTTP proxy server is adapted to

support one or more HTTP protocols (Column 12, lines 37 – 45).

Regarding claimss 11 and 22, Ramasubramani discloses the messaging

system according to claims 1 and 13, further comprising there is a means for

supporting a message retry in each of said wireless network protocols (Column
7, lines 30 – 33).

Regarding claims 12 and 23, Ramasubramani discloses the messaging
system according to claims 1 and 13, further comprising there is a means for
supporting a message ACK/NACK service in each of said wireless network
protocols (Column 7, lines 30 – 33).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for
all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described
> as set forth in section 102 of this title, if the differences between the subject matter sought to
> be patented and the prior art are such that the subject matter as a whole would have been
> obvious at the time the invention was made to a person having ordinary skill in the art to which
> said subject matter pertains. Patentability shall not be negatived by the manner in which the
> invention was made.

Claims 3-5 and 15-17 are rejected under 35 U.S.C. 103(a) as being
unpatentable over Ramasubramani in view of Barzegar (5894478).

Regarding claims 3 and 15, Ramasubramani discloses the messaging
system according to claims 2 and 14.

Ramasubramani does not explicitly indicate the message router further
comprises means for authenticating an origin of said message.

Barzegar teaches a system with protocol gateways and a message router
where the message router is programmed to authenticate messages based on
who sent them (Column 3, lines 56 – 58).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Barzegar's teaching of message authentication to increase the security of the system and prevent unauthorized requests.

Regarding claims 4 and, 16, Ramasubramani discloses the messaging system according to claims 3 and 15.

Ramasubramani does not explicitly indicate that the authenticating means authenticates said origin before said message is routed by said message router.

Barzegar teaches a system with protocol gateways and a message router where the authenticating means authenticates said origin before said message is routed by said message router (Column 3, lines 56 – 58).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Barzegar's teaching of message authentication to increase the security of the system and prevent unauthorized requests.

Regarding claims 5 and 17, Ramasubramani discloses that there is a database accessible by said message router and adapted to store information relating to routing and authentication of said message (Column 24, lines 19 – 24).

Claims 8 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ramasubramani in view of Boyle (6119167).

Regarding claims 8 and 20, Ramasubramani discloses the messaging system according to claims 6 and 18.

Ramasubramani does not explicitly indicate that the HTTP proxy server

comprises: means for creating a TCP/IP socket connection; and means for

managing said TCP/IP socket connection.

Boyle '167 teaches a wireless protocol gateway and http proxy that

creates a TCP/IP socket connection; and manages said TCP/IP socket

connection (Column 3, lines 27 – 40).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to use Boyle's teaching of the TCP/IP connection

Ramasubramani's system in order to have a TCP/IP connection to

connectionless wireless protocols.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Ramasubramani in view of Kung (6826173).

Regarding claim 9, Ramasubramani discloses the messaging system of

claim 1.

Ramasubramani does not explicitly indicate that there is an SNMP

manager.

Kung discloses a system with a multiple protocol gateways that

communicate using SNMP communication (Column 13, lines 5 – 9).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to use Kung's in Ramasubramani's system in order to allow

the management service of the messaging system send commands to other

devices in the system using the common SNMP protocol from an SNMP

manager.

Claims 10 and 21 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Ramasubramani in view of Boyle (6138158).

Regarding claims 10 and 21, Ramasubramani discloses the messaging

system according to claims 1 and 13.

Ramasubramani does not explicitly indicate that the system is further

comprising: means for defining a maximum segment size; means for

determining if said message exceeds said maximum segment size; and means

for segmenting said message into a plurality of message segments, none of said

plurality of message segments exceeds said maximum segment size.

Boyle '158 teaches a messaging system (Column 8, line 52 – Column 9,

line 2) that includes defining a maximum segment size; means for determining if

said message exceeds said maximum segment size; and means for segmenting

said message into a plurality of message segments, none of said plurality of

message segments exceeds said maximum segment size (Column 13, lines 37 –

48).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to use Boyles teaching of breaking up messages in

Ramasubramani's system because some of the messaging procotols may only

be able to support a maximum message size and Boyles system allows long

messages to be broken up to the max size and transferred.

Response to Arguments

The applicant argues that the reference, Ramasubramani, does not teach a higher level common protocol that is transparent to the client application and to the server application. The examiner disagrees, first the idea of what network level or layer the encapsulation occurs is not included in the claimed invention so any idea of what level of protocol is encapsulated so any argues toward that point are moot.

Second the specification does not support the claimed limitation and only supports the idea that the wireless network protocol being used for the communication is encapsulated from the message router and the back-end server. In the reference as seen in Column 15, lines 1-15 and 25-34, Ramasubramani, teaches the idea that a standard PDU is used to transport the information to the wireless network, that data is then transferred to the proper wireless network and sent over that network using that network's wireless protocol. The back end server and message router in the reference need not know the wireless network protocol that the destination wireless network uses since they only deal with the PDU's while the data is present behind the wireless protocol gateways.
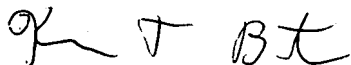
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Bates whose telephone number is (571) 272-3980. The examiner can normally be reached on 9 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571) 272-4006. The fax

phone number for the organization where this application or proceeding is

assigned is 571-273-8300.

Information regarding the status of an application may be obtained from

the Patent Application Information Retrieval (PAIR) system. Status information

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Representative or access to the automated information system, call 800-786-

9199 (IN USA OR CANADA) or 571-272-1000.

Kevin Bates
June 7, 2007